

Entered - 07-09-99 - sb
CL 99L0425 - ALEXIS HOLMES

CLAIM OF: **PATRICIA FISSE**
Through her attorney,
David L. Black
4851 Jimmy Carter Boulevard
Norcross, Georgia 30093

02-*R*-0796

For injuries alleged to have been sustained as a result of falling into a
depressed manhole in the center of the roadway on January 13, 1999
at Baker Street, NE.

THIS ADVERSED REPORT IS APPROVED

BY: *Robert N. Godfrey*
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL MAY 20 2002

CONSENT AGENDA

ADVERSE REPORT

COMM: *Public Safety*

DATE: *5/14/02*

CHAIR: *[Signature]*

[Signature]

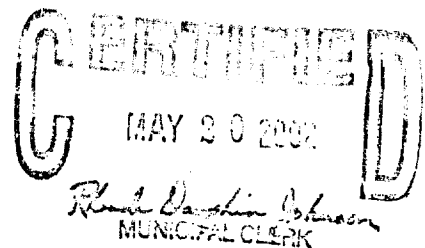
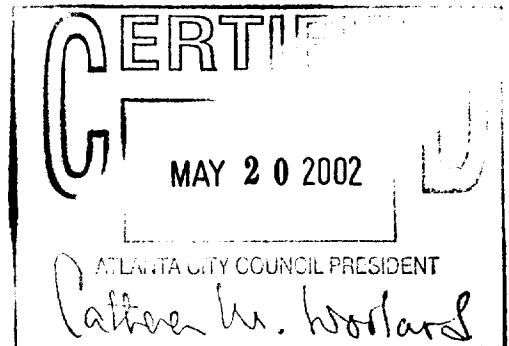
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**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

May 31, 2002

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

David L. Black
Attorney at Law
4851 Jimmy Carter Boulevard
Norcross, Georgia 30093

02-R-0796

RE: Patricia Fisse

Dear Attorney Black:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on May 20, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0425

Date: 4/25/02

Claimant /Victim PATRICIA FISSE
BY: (Atty) (Ins. Co.) David L. Black.
Address: 4851 Jimmy Carter Boulevard Norcross, Georgia 30093
Subrogation: Claim for Property damage \$ Bodily Injury \$ Unspecified
Date of Notice: 7/8/99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 1/13/99 Place: Baker Street
Department Public Works Division: Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she sustained injuries when she fell into a depressed manhole in the center of the street. An investigation determined that the claimant crossed the street in a zone that was unauthorized for pedestrian crossing. Also, several pedestrian crosswalks existed a few feet from where the claimant crossed which would have provided a safer means of travel. Therefore, the claimant was negligent when she failed to cross the street inside a crosswalk zone which the City provides to its pedestrians for safe foot-path travel.

INVESTIGATION:

Statements: City employee Claimant Other X Written Oral
Pictures X Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver


BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent X City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 04-29-02
Committee Action: Council Action

RCS# 3731
5/20/02
2:33 PM

Atlanta City Council

Regular Session

CONSENT I PGS. 1-15: Except 02-O-0852; 02-R-0729

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
NV Young	Y Shook	Y Maddox	B Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

CONSENT AGENDA MAY 20, 2002

ITEMS ADOPTED ON THE
CONSENT AGENDA

02-R-0813	02-R-0753
02-R-0812	02-R-0754
02-R-0807	02-R-0755
02-R-0805	02-R-0756
02-R-0721	02-R-0757
02-R-0504	02-R-0758
02-R-0808	02-R-0759
02-R-0708	02-R-0760
02-R-0707	02-R-0761
02-R-0882	
02-R-0881	
02-R-0809	
02-R-0798	
02-R-0797	
02-R-0732	
02-R-0706	
02-R-0724	
02-R-0802	
02-R-0888	
02-R-0887	
02-R-0733	
02-R-0731	
02-R-0728	
02-R-0727	
02-O-0846	
02-O-0830	
02-O-0703	
02-O-0699	
02-O-0671	
02-O-0606	
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02-O-0488	
02-O-0836	
02-O-0845	
02-O-0844	
02-O-0843	
02-O-0835	
02-O-0834	
02-O-0603	
02-R-0735	
02-R-0752	

ITEMS ADVERSED ON THE
CONSENT AGENDA

02-R-0762
02-R-0763
02-R-0764
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02-R-0767
02-R-0768
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02-R-0770
02-R-0771
02-R-0772
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02-R-0790
02-R-0792
02-R-0793
02-R-0794
02-R-0795
02-R-0796